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October 6, 2016

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

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Owner and Agent for Service of Process
Pacific Recycling Solutions, Inc.
C&S Waste Solutions of California, Inc.
3515 Taylor Drive
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RE: **NOTICE OF VIOLATIONS AND INTENT TO FILE SUIT UNDER THE FEDERAL WATER POLLUTION CONTROL ACT ("CLEAN WATER ACT") (33 U.S.C. §§ 1251 *et seq.*)**

Dear Mr. Carroll and Mr. McCraken:

This firm represents California Sportfishing Protection Alliance ("CSPA"), a California non-profit association, in regard to violations of the Clean Water Act ("CWA" or "the Act") occurring at two facilities under your control in Ukiah, California: (1) C&S Waste Solutions, Inc. ("C&S Facility"), based upon information available to CSPA, owned and operated by Pacific Recycling Solutions, Inc. with waste discharge identification number 1 23I023565; and (2) Solid Waste Systems, Inc. ("Solid Wastes Facility"), based upon information available to CSPA, owned and operated by CS Solutions, Inc. with waste discharge identification number 1 23I015718 (collectively, the "Facilities"). This letter is being sent to you as the responsible owners, officers, and/or operators of the Facilities. Unless otherwise noted the Facilities owners, operators, managers and persons legally responsible for the Facilities, including David Carroll, and Bruce McCraken, shall hereinafter be collectively referred to as the "Owners/Operators." CSPA is a non-profit association dedicated to the preservation, protection, and defense of the environment, fisheries, wildlife, and natural resources of California waterways, including the waters into which the Facilities discharge polluted storm water.

The Owners/Operators of the Facilities are in ongoing violation of the substantive and procedural requirements of the CWA, 33 U.S.C. § 1251 *et seq.*; California's General Industrial Storm Water Permit, National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 ("General Permit"), Water Quality Order No. 97-03-DWQ ("1997 General Permit"), as superseded by Order No. 2015-0057-DWQ ("2015 General Permit");[1]

The 1997 General Permit was in effect between 1997 and June 30, 2015, and the 2015 General Permit went into effect on July 1, 2015. As will be explained below, the 2015 General Permit includes many of the same fundamental requirements, and implements many of the same statutory requirements, as the 1997 General Permit. Violations of the General Permit constitute ongoing violations for purposes of CWA enforcement. 2015 General Permit, Finding A.6.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects the Owner/Operators of the Facilities to penalties of up to $37,500 per day, per violation for all violations occurring during the period commencing five years prior to the date of this Notice of Violation and Intent to File Suit. In addition to civil penalties, CSPA will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) of the Act (33 U.S.C. §§ 1365(a), (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)) permits prevailing parties to recover costs and fees including attorneys' fees.

The CWA requires that sixty (60) days prior to the initiation of a citizen-enforcement action under Section 505(a) of the Act (33 U.S.C. § 1365(a)), a citizen enforcer must give notice of its intent to file suit. Notice must be given to the alleged violator, the U.S. Environmental Protection Agency, and the Chief Administrative Officer of the water pollution control agency for the State in which the violations occur. *See* 40 C.F.R. 135.2.

As required by the Act, this letter provides statutory notice of the violations that have occurred, and continue to occur, at the Facilities. 40 C.F.R. § 135.3(a). At the expiration of sixty (60) days from the date of this letter, CSPA intends to file suit under Section 505(a) of the Act (33 U.S.C. § 1365(a)) in federal court against Pacific Recycling Solutions, Inc., CS Solutions, Inc., C&S Waste Solutions of California, Inc., and Solid Wastes Systems, Inc. for violations of the Act, and the General Permit.

[1] The Owner/Operators submitted an NOI for each Facility to comply with the General Permit for the Facility on or about March 11, 2015.

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I. Background

A. The Clean Water Act

Congress enacted the CWA in 1972 in order to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251. The Act prohibits the discharge of pollutants into United States waters except as authorized by the statute. 33 U.S.C. § 1311; *San Francisco Baykeeper, Inc. v. Tosco Corp.*, 309 F.3d 1153, 1156 (9th Cir. 2002). The Act is administered largely through the NPDES permit program. 33 U.S.C. § 1342. In 1987, the Act was amended to establish a framework for regulating storm water discharges through the NPDES system. Water Quality Act of 1987, Pub. L. 100-4, § 405, 101 Stat. 7, 69 (1987) (codified at 33 U.S.C. § 1342(p)); *see also Envtl. Def. Ctr., Inc. v. EPA*, 344 F.3d 832, 840-41 (9th Cir. 2003) (describing the problem of storm water runoff and summarizing the Clean Water Act's permitting scheme). The discharge of pollutants without an NPDES permit, or in violation of a NPDES permit, is illegal. *Ecological Rights Found. v. Pac. Lumber Co.*, 230 F.3d 1141, 1145 (9th Cir. 2000).

Much of the responsibility for administering the NPDES permitting system has been delegated to the states. *See* 33 U.S.C. § 1342(b); *see also* Cal. Water Code § 13370 (expressing California's intent to implement its own NPDES permit program). The CWA authorizes states with approved NPDES permit programs to regulate industrial storm water discharges through individual permits issued to dischargers, as well as through the issuance of a single, statewide general permit applicable to all industrial storm water dischargers. 33 U.S.C. § 1342(b). Pursuant to Section 402 of the Act, the Administrator of EPA has authorized California's State Board to issue individual and general NPDES permits in California. 33 U.S.C. § 1342.

B. California's General Permit for Storm Water Discharges Associated with Industrial Activities

Between 1997 and June 30, 2015, the General Permit in effect was Order No. 97-03-DWQ, which CSPA refers to as the "1997 General Permit." On July 1, 2015, pursuant to Order No. 2015-0057-DWQ the General Permit was reissued, including many of the same fundamental terms as the prior permit. For purposes of this notice letter, CSPA refers to the reissued permit as the "2015 General Permit." The 2015 General Permit rescinded in whole the 1997 General Permit, except for the expired permit's requirement that annual reports be submitted by July 1, 2015, and for purposes of CWA enforcement. 2015 General Permit, Finding A.6.

Facilities discharging, or having the potential to discharge, storm water associated with industrial activities that have not obtained an individual NPDES permit must apply for coverage under the General Permit by filing a Notice of Intent to Comply

("NOI"). 1997 General Permit, Provision E.1; 2015 General Permit, Standard Condition XXI.A. Facilities must file their NOIs before the initiation of industrial operations. *Id.*

Facilities must strictly comply with all of the terms and conditions of the General Permit. A violation of the General Permit is a violation of the CWA.

The General Permit contains three primary and interrelated categories of requirements: (1) discharge prohibitions, receiving water limitations and effluent limitations; (2) Storm Water Pollution Prevention Plan ("SWPPP") requirements; and (3) self-monitoring and reporting requirements.

C. The C&S Waste Solutions, Inc. Facility

The C&S Facility is an approximately 15-acre Scrap and Waste Materials facility consisting of a five (5) industrial buildings totaling an estimated 163,000 square feet (one of which is a large metals recovery facility), a loading docks for receiving, sorting, baling and transferring waste, ferrous and non-ferrous scrap metal, and recyclable materials, bone yards, grinding operation areas, truck and equipment repair and cleaning areas, commercial truck scales, truck fleet and other parking areas, a 12,000 gallon fuel tank and fueling area, and an office. The industrial activities of the Facility fall under Standard Industrial Classification ("SIC") Code 5093 – Scrap and Waste Metals. The C&S Facility is located at 3515 Taylor Drive within an unincorporated area of Mendocino County, CA 95482.

The C&S Facility collects and discharges polluted storm water associated with industrial activities pursuant to the General Permit through at least three discharge points, which flow to an off-site drainage ditch that discharges to the Russian River, approximately 1100 feet downstream from the drainage ditch. The Russian River is a water of the United States within the meaning of the CWA. Upon information and belief, there are other locations at the Facility discharging storm water associated with industrial activities, namely from borders and other runoff areas of the C&S Facility. These discharges also enter the Russian River, a water course listed for the following CWA 303(d) impairments: Aluminum, Mercury, Sedimentation/Siltation, and Temperature

Upon information and belief, there are at least three drainage areas at the C&S Facility associated with industrial activities, a scrap metal processing area, a material handling and storage area, and a maintenance, parking and storage area. Generally speaking, and as noted above, storm water flows from industrial areas in various directions into drainage inlets which then discharge from at least three points and eventually into the offsite drainage that flows into the Russian River. Pursuant to the C&S Facility SWPPP there are three storm water sampling locations situated generally adjacent to site drainage areas.

Information available to CSPA suggests that the C&S Facility discharges quantities of unauthorized non-storm water. Activities at the C&S Facility resulting in unauthorized non-storm water discharges include but are not limited to: truck and cart washing; fluids from dumping or unloading waste, recycling and other materials; fueling; replenishing fluid levels and using equipment with hydraulic oil; and cleaning/flushing of storm drains and inlets.

The General Permit requires the Owners/Operators of the C&S Facility to analyze storm water samples for TSS, pH, and Oil and Grease. 1997 General Permit, Section B.5.c.i; 2015 General Permit, Section XI.B.6. Facilities under SIC Code 5093 must also analyze storm water samples for chemical oxygen demand ("COD"), iron ("Fe"), zinc ("Zn"), aluminum ("Al)", and lead ("Pb"). 1997 General Permit, Tables 1-2; 2015 General Permit Tables 1-2. The C&S Facility SWPPP also requires testing for Copper ("Cu"), and references SIC Code 5093.

D. The Solid Wastes Solutions, Inc. Facility

The Solid Wastes Facility is an approximately 4-acre Scrap and Waste Materials transfer station and recycling center facility, designed to accommodate the unloading, handling and transfer of municipal solid waste, wood chips, compost, construction & demolition materials, waste and a wide variety of recyclable materials, including electronics. The Solid Wastes Facility consists of industrial buildings, transfer stations, a truck scale, drop-off areas, waste sorting areas, storage tanks, hazardous waste storage areas, a ferrous and non-ferrous scrap metal drop off area, a fueling area with a 5,000-gallon fuel tank, bone yards, truck and other parking areas, and an office. The industrial activities of the Facility fall under Standard Industrial Classification ("SIC") Code 5093 – Scrap and Waste Metals, and 4212 – Local Trucking without Storage. The Solid Wastes Facility is located at 3151 Taylor Drive within an unincorporated area of Mendocino County, CA 95482.

Industrial operations and activities taking place at the Solid Wastes Facility include but are not limited to: receiving, handling and transferring of municipal solid waste, construction & demolition debris and green waste on transfer station tipping floor; public drop-off of recyclables, electronic waste, scrap metal, appliances, used motor oil & oil filters, construction and demolition debris, used antifreeze, kitchen grease, tires and batteries; storage of recycled landscape products (wood chips, compost) for sale to public; temporary storage of household hazardous waste collected through a load checking program; re-use areas; equipment and vehicle repair and washing; and California Redemption Value buyback (individuals trading recyclables for money). Large-haul waste is received on the tipping floor of the transfer station building. The material is sorted on the floor by facility personnel and top-loaded into transfer trailers. Tires are accepted and set aside throughout the day for loading into a designated tire trailer, which is transferred to a tire recycling facility. Public drop-off boxes for mixed recycling are located near the truck scale. Once filled, the boxes are

transferred to a nearby recycling facility throughout the day. Aluminum cans are crushed onsite and transferred to a recycling facility. Glass bottles are sorted and stored outdoors in concrete bunkers until transferred for recycling. Appliances, scrap metal, and electronic waste are accepted with re-usable items salvaged from the waste stream are made available to the public. Accepted landscape waste is stored outdoors, sold to the public and then loaded into trucks and trailers using a front loader. Hazardous waste is accepted on a continuous basis into a designated area.

Upon information and belief, the Solid Wastes Facility operates 6 days a week – with hundreds of vehicles visiting the site each day to drop off materials. This, in addition to the daily industrial truck traffic hauling garbage, materials for recycling, and hazardous wastes.

The Solid Wastes Facility collects and discharges polluted storm water associated with industrial activities pursuant to the General Permit through at least three outfall points into offsite drainage swales with flow into the Russian River. The Russian River is a water of the United States within the meaning of the CWA. Upon information and belief, there are other locations at the Facility discharging storm water associated with industrial activities, namely from borders and other runoff areas of the Solid Wasted Facility. These discharges also enter the Russian River, a water course listed for the following CWA 303(d) impairments: Aluminum, Mercury, Sedimentation/Siltation, and Temperature

Upon information and belief, there are at least four drainage areas at the Solid Wastes Facility associated with industrial activities: the transfer station adjacent to the construction and demolition debris storage area, the office and storage buildings area, the northern portion of the industrial site, and an area that discharges from the employee parking area into a landscaped area. Generally speaking, storm water flows from three of these drainage areas in various directions into drainage inlets located in each of the drainage areas; the drainage inlets then discharge from at least three points into the offsite swales that flow into the Russian River. Pursuant to the Solid Wastes Facility SWPPP there are three storm water sampling locations situated generally adjacent to site drainage areas from three out of the four drainage areas.

Information available to CSPA suggests that the Solid Wastes Facility discharges quantities of unauthorized non-storm water. Activities at the Solid Wastes Facility resulting in unauthorized non-storm water discharges include but are not limited to: fluids from unloaded wastes and materials discharging to nearby drainage areas or inlets; rinse waters and potable line flush waters; vehicle and equipment cleaning; and cleaning of areas impacted by industrial activated at the Solid Wastes Facility.

The General Permit requires the Owners/Operators of the Solid Wastes Facility to analyze storm water samples for TSS, pH, and Oil and Grease. 1997 General Permit, Section B.5.c.i; 2015 General Permit, Section XI.B.6. Facilities under SIC Code 5093

must also analyze storm water samples for chemical oxygen demand ("COD"), iron ("Fe"), zinc ("Zn"), aluminum ("Al)", and lead ("Pb"). 1997 General Permit, Tables 1-2; 2015 General Permit Tables 1-2. The Solid Wastes Facility SWPPP also requires testing for Copper ("Cu"), with reference to a "Source Assessment" requirement.

II. The Facilities' Violations of the Act and the General Permit

Based on its review of available public documents, CSPA is informed and believes that the C&S Facility and Solid Wastes Facility are in ongoing violation of both the substantive and procedural requirements of the CWA, and the General Permit. These violations are ongoing and continuous. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the CWA, the Owners/Operators of the Facilities are subject to penalties for violations of the Act since October 6, 2011.

Contaminated storm water and non-storm water discharges can and must be controlled for Mendocino County and North Coastal Basin ecosystem to regain and maintain its health. Information available to CSPA indicates that certain industrial operations at the Facilities are conducted outdoors without adequate cover or containment to prevent non-storm water and storm water exposure to pollutant sources or direct discharge of pollutants via air deposition into surface waters.

A. The C&S Facility and the Solid Wastes Facility Discharge Storm Water Containing Pollutants in Violation of the General Permit's Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations.

The Facilities storm water sampling results provide conclusive evidence of the Owners/Operators' failure to comply with the General Permit's discharge prohibitions, receiving water limitations and effluent limitations. Self-monitoring reports under the General Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

B. The Facilities Discharge Non-Storm Water Containing Pollutants in Violation of the General Permit's Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations.

Information available to Humboldt Baykeeper suggests that the Facilities discharge quantities of unauthorized non-storm water, including but not limited to, truck vehicle, and equipment cleaning, and cart washing; rinse waters and potable line flush waters; fluids and (water used to wash them away) from, dumping or unloading waste, recycling and other materials, fueling; replenishing fluid levels and using equipment with hydraulic oil; and cleaning/flushing of storm drains and inlets, in violation of the General Permit's discharge prohibitions, receiving water limitations and effluent limitations.

C. The Facilities Aerial Deposition Containing Pollutants Enters Surface Waters Without NPDES Coverage.

Pollution entering surface waters via air deposition is also recognized as a significant cause of degradation of water quality. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and aquatic dependent wildlife. Information available to CSPA indicates that outdoor industrial operations at the Facilities create dust and particulate matter from, as examples only, landscape, waste and recycling material sorting, loading and storage, and high-volume truck and other vehicle traffic. These activities lack containment or secondary containment, and have been ongoing since at least 2011. This dust and particulate matter migrates to surface waters of Mendocino County.

D. Applicable Water Quality Standards

The General Permit requires that storm water discharges and authorized non-storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance. 1997 General Permit, Discharge Prohibition A.2; 2015 General Permit, Discharge Prohibition III.C. The General Permit also prohibits discharges that violate any discharge prohibition contained in the applicable Regional Water Board's Basin Plan or statewide water quality control plans and policies. 1997 General Permit, Receiving Water Limitation C.2; 2015 General Permit, Discharge Prohibition III.D. Furthermore, storm water discharges and authorized non-storm water discharges shall not adversely impact human health or the environment, and shall not cause or contribute to a violation of any water quality standards in any affected receiving water. 1997 General Permit, Receiving Water Limitations C.1, C.2; 2015 General Permit, Receiving Water Limitations VI.A, VI.B.

Dischargers are also required to prepare and submit documentation to the Regional Board upon determination that storm water discharges are in violation of the General Permit's Receiving Water Limitations. 1997 General Permit, p. VII; 2015 General Permit, Special Condition XX.B. The documentation must describe changes the discharger will make to its current storm water best management practices ("BMPs") in order to prevent or reduce any pollutant in its storm water discharges that is causing or contributing to an exceedance of water quality standards. *Id.*

The California Toxics Rule ("CTR") is an applicable water quality standard under the Permit, violation of which is a violation of Permit conditions. *Cal. Sportfishing Prot. Alliance v. Chico Scrap Metal, Inc.,* 2015 U.S. Dist. LEXIS 108314, *21 (E.D. Cal. 2015) CTR establishes numeric receiving water limits for toxic pollutants in California surface waters. 40 C.F.R. § 131.38. The CTR establishes a numeric limit for at least one of the pollutants discharged by SPI: Zinc – 0.12 mg/L (maximum concentration).

The Water Quality Control Plan for the North Coast Region (May 2011) ("Basin Plan") also sets forth water quality standards and prohibitions applicable to the Facilities' storm water discharges. The Basin Plan identifies present and potential beneficial uses for upper Russian River, including municipal and domestic supply, agricultural supply, industrial service supply, navigation, commercial and sport fishing, freshwater replenishment, groundwater recharge, preservation of rare and endangered species, wildlife habitat, estuarine habitat, aquaculture, migration, and contact and non-contact water recreation.

E. Applicable Effluent Limitations

Dischargers are required to reduce or prevent pollutants in their storm water discharges through implementation of best available technology economically achievable ("BAT") for toxic and nonconventional pollutants and best conventional pollutant control technology ("BCT") for conventional pollutants. 1997 General Permit, Effluent Limitation B.3; 2015 General Permit, Effluent Limitation V.A. Conventional pollutants include Total Suspended Solids, Oil & Grease, pH, Biochemical Oxygen Demand and Fecal Coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. 40 C.F.R. §§ 401.15-16.

Under the General Permit, benchmark levels established by the EPA ("EPA benchmarks") serve as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite BAT and BCT. *Santa Monica Baykeeper v. Kramer Metals,* 619 F.Supp.2d 914, 920, 923 (C.D. Cal 2009); 1997 General Permit, Effluent Limitations B.5-6; 2015 General Permit, Exceedance Response Action XII.A.

The following EPA benchmarks have been established for pollutants discharged by the Facilities: Total Suspended Solids – 100 mg/L; Iron – 1 mg/L; Zinc – 0.117 mg/L; Aluminum – 0.75 mg/L; Copper 0.0123 mg/L; Lead – .069 mg/L; Chemical Oxygen Demand – 120 mg/L; and Oil & Grease – 15.0 mg/L.

F. The Facilities' Storm Water Sample Results

The following discharges of pollutants from the Facility have violated the discharge prohibitions, receiving water limitations, and effluent limitations of the permit. However, the General Permit requires dischargers to collect at least two (2) samples from each discharge location at their Facilities during the Wet Season. 1997 General Permit Sections B(5) and B(7); 2015 General Permit. Monitoring, Sampling and Analysis, Section XI.B. Upon information and belief, the Facilities failed to submit Annual Reports to the Regional Board for reporting year 2012-2013, and in the 2013-2014 annual reports submitted to the Regional Board, the Owners/Operators of the Facilities claimed that there were no storm events that produced enough discharge to allow for sampling. This despite the number of days that experienced well over .1 of an

inch precipitation in the immediate vicinity of the Facilities. (*See* Attachment A, the specific rain dates on which CSPA alleges that the Facilities discharged storm water containing impermissible levels of pollutants.)

i. Discharges of Storm Water Containing Aluminum (Al) at Concentrations in Excess of Applicable EPA Benchmark Value

Date	Facility	Discharge Point	Parameter	Concentration in Discharge (mg/L)	EPA Benchmark Value (mg/L)
12/3/2015	C&S	Duplicate	Al	2.2	0.75
12/3/2015	C&S	SP-2	Al	2.5	0.75
12/3/2015	C&S	SP-2	Al	2.6	0.75
12/18/2015	C&S	SP-2	Al	3.1	0.75
12/18/2015	C&S	SP-3	Al	3.7	0.75
12/18/2015	C&S	SP-1	Al	2.2	0.75
1/13/2016	C&S	SP-2	Al	1.2	0.75
1/13/2016	C&S	SP-3	Al	1.3	0.75
3/9/2016	C&S	SP-1	Al	2.3	0.75
3/9/2016	C&S	SP-2	Al	1.7	0.75
3/9/2016	C&S	SP-3	Al	1.7	0.75
12/3/2015	Solid Wastes	SP-1	Al	3	0.75
12/3/2015	Solid Wastes	SP-2	Al	2.4	0.75
12/3/2015	Solid Wastes	SP-3	Al	2.4	0.75
12/3/2015	Solid Wastes	Duplicate	Al	2.8	0.75
12/21/2015	Solid Wastes	SP-2	Al	0.89	0.75
12/21/2015	Solid Wastes	SP-3	Al	0.85	0.75
1/13/2016	Solid Wastes	SP-1	Al	3.6	0.75
1/13/2016	Solid Wastes	SP-2	Al	3.8	0.75
1/13/2016	Solid Wastes	SP-3	Al	3.7	0.75
3/5/2016	Solid Wastes	SP-2	Al	1.6	0.75
3/9/2016	Solid Wastes	DI S. Middle FP	Al	2.4	0.75

ii. Discharges of Storm Water Containing Zinc (Zn) at Concentrations in Excess of Applicable EPA Benchmark and CTR Values

Date	Facility	Discharge Point	Parameter	Concentration in Discharge (mg/L)	EPA Benchmark Value (mg/L)	CTR Criteria (mg/L)
12/3/2015	C&S	SP-2	Zn	0.26	0.117	0.12
12/3/2015	C&S	SP-3	Zn	0.24	0.117	0.12

Date	Facility	Discharge Point	Parameter	Concentration in Discharge (mg/L)	EPA Benchmark Value (mg/L)	CTR Criteria (mg/L)
12/3/2015	C&S	Duplicate	Zn	0.25	0.117	0.12
12/18/2015	C&S	SP-1	Zn	0.77	0.117	0.12
12/18/2015	C&S	SP-2	Zn	0.46	0.117	0.12
12/18/2015	C&S	SP-3	Zn	0.28	0.117	0.12
1/13/2016	C&S	SP-1	Zn	0.27	0.117	0.12
1/13/2016	C&S	SP-2	Zn	0.19	0.117	0.12
1/13/2016	C&S	SP-3	Zn	0.21	0.117	0.12
3/9/2016	C&S	SP-1	Zn	0.20	0.117	0.12
3/9/2016	C&S	SP-2	Zn	0.12	0.117	0.12
3/9/2016	C&S	SP-3	Zn	0.12	0.117	0.12
12/3/2015	Solid Wastes	SP-1	Zn	0.38	0.117	0.12
12/3/2015	Solid Wastes	SP-2	Zn	0.34	0.117	0.12
12/3/2015	Solid Wastes	SP-3	Zn	0.36	0.117	0.12
12/3/2015	Solid Wastes	Duplicate	Zn	0.36	0.117	0.12
12/21/2015	Solid Wastes	SP-2	Zn	0.12	0.117	0.12
1/13/2016	Solid Wastes	SP-1	Zn	0.27	0.117	0.12
1/13/2016	Solid Wastes	SP-2	Zn	0.27	0.117	0.12
1/13/2016	Solid Wastes	SP-3	Zn	0.28	0.117	0.12
3/9/2016	Solid Wastes	Buy Back Down Spout	Zn	0.19	0.117	0.12
3/9/2016	Solid Wastes	DI S. Middle FP	Zn	0.20	0.117	0.12
3/9/2016	Solid Wastes	South MC	Zn	0.24	0.117	0.12

iii. Discharges of Storm Water Containing Lead (Pb) at Concentrations in Excess of Applicable EPA Benchmark Value

Date	Facility	Discharge Point	Parameter	Concentration in Discharge (mg/L)	EPA Benchmark Value (mg/L)
12/3/2015	C&S	SP-1	Pb	0.23	0.069
12/3/2015	C&S	SP-2	Pb	0.17	0.069

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iv. Discharge of Storm Water Containing Iron (Fe) at Concentrations in Excess of Applicable EPA Benchmark Value

Date	Facility	Discharge Point	Parameter	Concentration in Discharge (mg/L)	EPA Benchmark Value (mg/L)
12/3/2015	C&S	SP-2	Fe	3.1	1
12/3/2015	C&S	SP-3	Fe	3.3	1
12/3/2015	C&S	Duplicate	Fe	3.8	1
12/18/2015	C&S	SP-1	Fe	4.3	1
12/18/2015	C&S	SP-2	Fe	3.9	1
12/18/2015	C&S	SP-3	Fe	5.9	1
1/13/2016	C&S	SP-2	Fe	1.8	1
1/13/2016	C&S	SP-3	Fe	1.7	1
3/9/2016	C&S	SP-1	Fe	3.1	1
3/9/2016	C&S	SP-2	Fe	2.1	1
3/9/2016	C&S	SP-3	Fe	2.1	1
12/3/2015	Solid Wastes	SP-1	Fe	3.6	1
12/3/2015	Solid Wastes	SP-2	Fe	2.9	1
12/3/2015	Solid Wastes	SP-3	Fe	3.2	1
12/3/2015	Solid Wastes	Duplicate	Fe	3.3	1
12/21/2015	Solid Wastes	SP-1	Fe	1.5	1
12/21/2015	Solid Wastes	SP-2	Fe	1.6	1
12/21/2015	Solid Wastes	SP-3	Fe	1.6	1
1/13/2016	Solid Wastes	SP-1	Fe	5	1
1/13/2016	Solid Wastes	SP-2	Fe	5.3	1
1/13/2016	Solid Wastes	SP-3	Fe	5	1
3/5/2016	Solid Wastes	SP-1	Fe	1.3	1
3/5/2016	Solid Wastes	SP-2	Fe	2.8	1
3/9/2016	Solid Wastes	DI Middle FP	Fe	4.3	1

v. Discharge of Storm Water Containing Copper (Cu) at Concentrations in Excess of Applicable EPA Benchmark Value

Date	Facility	Discharge Point	Parameter	Concentration in Discharge (mg/L)	EPA Benchmark Value (mg/L)
12/3/2015	C&S	SP-1	Cu	0.021	0.0123
12/3/2015	C&S	SP-2	Cu	0.015	0.0123
12/3/2015	C&S	SP-3	Cu	0.014	0.0123
12/3/2015	C&S	Duplicate	Cu	0.014	0.0123

Date	Facility	Discharge Point	Parameter	Concentration in Discharge (mg/L)	EPA Benchmark Value (mg/L)
12/18/2015	C&S	SP-1	Cu	0.19	0.0123
12/18/2015	C&S	SP-2	Cu	0.13	0.0123
12/18/2015	C&S	SP-3	Cu	0.027	0.0123
1/13/2016	C&S	SP-1	Cu	0.035	0.0123
12/3/2015	Solid Wastes	SP-1	Cu	0.018	0.0123
12/3/2015	Solid Wastes	SP-2	Cu	0.015	0.0123
12/3/2015	Solid Wastes	SP-3	Cu	0.016	0.0123
12/3/2015	Solid Wastes	Duplicate	Cu	0.016	0.0123
1/13/2016	Solid Wastes	SP-2	Cu	0.013	0.0123
1/13/2016	Solid Wastes	SP-3	Cu	0.013	0.0123
3/5/2016	Solid Wastes	SP-1	Cu	0.013	0.0123
3/5/2016	Solid Wastes	SP-2	Cu	0.023	0.0123

G. The Facilities' Sample Results Are Evidence of Violations of the General Permit

The Facilities' sample results demonstrate violations of the General Permit's discharge prohibitions, receiving water limitations, and effluent limitations set forth above. CSPA is informed and believes that the Owners/Operators' of the Facilities have known that its storm water contains pollutants at levels exceeding General Permit standards since at least October 6, 2011.

CSPA alleges that such violations occur each time storm water discharges from the Facilities. Attachment A hereto, sets forth the specific rain dates on which CSPA alleges that the Facilities have discharged storm water containing impermissible levels of Al, Zn, Fe, Pb, Cu, and Zn in violation of the General Permit. 1997 General Permit, Discharge Prohibition A.2, Receiving Water Limitations C.1 and C.2; 2015 General Permit, Discharge Prohibitions III.C and III.D, Receiving Water Limitations VI.A, VI.B.

H. The Owners/Operators of the Facilities Have Failed to Implement BAT and BCT

Dischargers must implement BMPs that fulfill the BAT/BCT requirements of the CWA and the General Permit to reduce or prevent discharges of pollutants in their storm water discharges. 1997 General Permit, Effluent Limitation B.3; 2015 General Permit, Effluent Limitation V.A. To meet the BAT/BCT standard, dischargers must implement minimum BMPs and any advanced BMPs set forth in the General Permit's SWPPP Requirements provisions where necessary to reduce or prevent pollutants in discharges. *See* 1997 General Permit, Sections A.8.a-b; 2015 General Permit, Sections X.H.1-2.

The Owners/Operators of the Facilities have failed to implement the minimum BMPs required by the General Permit, including: good housekeeping requirements; preventive maintenance requirements; spill and leak prevention and response requirements; material handling and waste management requirements; erosion and sediment controls; employee training and quality assurance; and record keeping. 1997 General Permit, Sections A.8.a(i–x); 2015 General Permit, Sections X.H.1(a–g).

The Owners/Operators of the Facilities have further failed to implement advanced BMPs necessary to reduce or prevent discharges of pollutants in its storm water sufficient to meet the BAT/BCT standards, including: exposure minimization BMPs; containment and discharge reduction BMPs; treatment control BMPs; or other advanced BMPs necessary to comply with the General Permit's effluent limitations. 1997 General Permit, Section A.8.b; 2015 General Permit, Sections X.H.2.

Each day the Owners/Operators have failed to develop and implement BAT and BCT at the Facilities in violation of the General Permit is a separate and distinct violation of Section 301(a) of the CWA (33 U.S.C. § 1311(a)). The violations described above were at all times in violation of Section A of the 1997 General Permit, and Section X of the 2015 General Permit. Accordingly, the Owners/Operators have been in violation of the BAT and BCT requirements at the Facility every day since at least October 6, 2011.

I. The Owners/Operators of the Facilities Have Failed to Develop and Implement an Adequate Storm Water Pollution Plan

The General Permit requires dischargers to develop and implement a site-specific SWPPP. 1997 General Permit, Section A.1; 2015 General Permit, Section X.A. The SWPPP must include, among other elements: (1) the facility name and contact information; (2) a site map; (3) a list of industrial materials; (4) a description of potential pollution sources; (5) an assessment of potential pollutant sources; (6) minimum BMPs; (7) advanced BMPs, if applicable; (8) a monitoring implementation plan; (9) annual comprehensive facility compliance evaluation; and (10) the date that the SWPPP was initially prepared and the date of each SWPPP amendment, if applicable. *See id.*

Dischargers must revise their SWPPP whenever necessary and certify and submit via the Regional Board's Storm Water Multiple Application and Report Tracking System ("SMARTS") their SWPPP within 30 days whenever the SWPPP contains significant revisions(s); and, certify and submit via SMARTS for any non-significant revisions not more than once every three (3) months in the reporting year. 2015 General Permit, Section X.B; see also 1997 General permit, Section A.

CSPA's investigation indicates that the Facilities have been operating with inadequately developed or implemented SWPPPs in violation of General Permit requirements. The Owners/Operators of the Facilities have failed to evaluate the

effectiveness of its BMPs and to revise its SWPPPs as necessary, resulting in the Facilities' numerous effluent limitation violations.

Each day the Owners/Operators failed to develop and implement adequate SWPPPs is a violation of the General Permit. The SWPPP violations described above were at all times in violation of Section A of the 1997 General Permit, and Section X of the 2015 General Permit. The Owners/Operators have been in violation of these requirements at the Facility every day since at least October 6, 2011.

III. Persons Responsible for the Violations

CSPA puts the Owners/Operators of the Facilities on notice that they are the persons legally responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CSPA puts the Owners/Operators of the Facilities on formal notice that it intends to include those persons in this action.

IV. Name and Address of Noticing Party

The name, address, and telephone number of the noticing party is as follows:

Bill Jennings, Executive Director
California Sportfishing Protection Alliance
3536 Rainier Ave,
Stockton, CA 95204
(209) 464-5067
www.calsport.org

V. Counsel

CSPA has retained legal counsel to represent it in this matter. Please direct all communications to:

Jason R. Flanders
Anthony M. Barnes
AQUA TERRA AERIS LAW GROUP
828 San Pablo Ave
Albany, CA 94706
(415) 326 3173
amb@atalawgroup.com

VI. Conclusion

CSPA believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. We intend to file a citizen suit under Section 505(a) of the CWA against Pacific Recycling Solutions, Inc., C&S Waste Solutions of California, Inc., CS Solutions, Inc., and Solid Wastes Systems, Inc. and their agents for the above-referenced violations upon the expiration of the 60-day notice period. If you wish to pursue remedies in the absence of litigation, we suggest that you initiate those discussions within the next twenty (20) days so that they may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,

Jason R. Flanders
ATA Law Group
Counsel for California Sportfishing
Protection Alliance

ATA AQUA TERRA AERIS LAW GROUP

SERVICE LIST

VIA CERTIFIED MAIL

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Alexis Straus, Acting Regional Administrator
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

Matthias St John, Executive Officer
North Coast Regional Water Quality Control Board
5550 Skylane Blvd, Ste A
Santa Rosa, CA 95403-1072

EXHIBIT A

UKIAH WEATHER, UKIAH MUNICIPAL AIRPORT
10-6-2011 - 10-5-2016
Days with Precipitation over .1

Date	Precipitation (Inches)
10/6/2011	0.16
10/10/2011	0.85
11/5/2011	0.67
11/18/2011	0.32
11/19/2011	0.24
11/20/2011	0.1
11/23/2011	0.66
11/24/2011	0.26
12/15/2011	0.22
12/30/2011	0.13
1/19/2012	1.02
1/20/2012	1.04
1/21/2012	1.16
1/22/2012	0.29
1/23/2012	0.1
2/7/2012	0.61
2/12/2012	0.23
2/13/2012	0.23
2/28/2012	0.44
2/29/2012	0.44
3/1/2012	0.28
3/11/2012	0.38
3/12/2012	0.16
3/13/2012	2.02
3/14/2012	0.24
3/15/2012	0.34
3/16/2012	0.78
3/24/2012	0.41
3/25/2012	0.34
3/26/2012	0.15
3/27/2012	2.81
3/28/2012	0.1
3/29/2012	0.48
3/30/2012	0.1
3/31/2012	1.06
4/11/2012	0.27
4/12/2012	0.57
4/13/2012	0.24
5/3/2012	0.23
10/22/2012	0.66
10/24/2012	0.25

Date	Precipitation (Inches)
10/31/2012	0.45
11/8/2012	0.35
11/16/2012	0.56
11/17/2012	0.87
11/20/2012	1.32
11/28/2012	1.31
11/29/2012	2.48
11/30/2012	0.68
12/1/2012	1.14
12/2/2012	2.32
12/4/2012	0.93
12/5/2012	0.4
12/11/2012	0.21
12/15/2012	0.33
12/16/2012	0.22
12/17/2012	0.15
12/20/2012	1
12/21/2012	1.5
12/22/2012	0.96
12/23/2012	1.87
12/25/2012	1.17
12/26/2012	0.48
1/5/2013	0.78
1/23/2013	0.41
2/7/2013	0.18
2/19/2013	0.38
3/5/2013	1.09
3/6/2013	0.27
3/19/2013	0.34
3/20/2013	0.34
4/4/2013	0.65
4/6/2013	0.11
6/25/2013	0.18
9/21/2013	0.23
9/30/2013	0.11
11/18/2013	0.17
11/19/2013	0.53
11/20/2013	0.13
12/6/2013	0.49
1/11/2014	0.18
1/29/2014	0.3
2/2/2014	0.19
2/5/2014	0.38
2/6/2014	0.27
2/7/2014	0.89
2/8/2014	3.15
2/9/2014	0.68

Date	Precipitation (Inches)
2/15/2014	0.12
2/26/2014	1.46
2/27/2014	0.37
2/28/2014	0.75
3/3/2014	1.65
3/5/2014	0.42
3/9/2014	0.13
3/10/2014	0.15
3/25/2014	0.43
3/26/2014	0.5
3/29/2014	0.91
3/31/2014	1
4/1/2014	0.76
4/4/2014	0.12
9/24/2014	0.32
9/26/2014	0.22
10/15/2014	0.17
10/20/2014	0.26
10/23/2014	0.13
10/25/2014	0.41
10/31/2014	0.53
11/12/2014	0.15
11/13/2014	0.69
11/19/2014	0.5
11/20/2014	0.66
11/21/2014	0.22
11/22/2014	0.82
11/28/2014	0.35
11/29/2014	0.28
11/30/2014	0.37
12/1/2014	0.1
12/2/2014	0.92
12/3/2014	1.79
12/4/2014	0.11
12/5/2014	0.67
12/8/2014	0.22
12/10/2014	1.34
12/11/2014	3.47
12/12/2014	0.21
12/15/2014	0.52
12/16/2014	1.01
12/17/2014	0.48
12/19/2014	0.6
12/20/2014	0.38
12/24/2014	0.11
1/16/2015	0.36

Date	Precipitation (Inches)
2/6/2015	3.25
2/8/2015	1.04
2/9/2015	0.42
3/22/2015	0.25
3/24/2015	0.11
4/5/2015	0.19
4/7/2015	0.71
5/14/2015	0.29
7/9/2015	0.1
9/16/2015	0.74
11/1/2015	0.52
11/8/2015	0.34
11/9/2015	0.57
11/15/2015	0.51
11/24/2015	0.22
12/3/2015	0.74
12/4/2015	0.12
12/6/2015	0.66
12/9/2015	0.23
12/10/2015	1.45
12/11/2015	0.11
12/13/2015	0.86
12/18/2015	0.73
12/20/2015	0.14
12/21/2015	2.23
12/22/2015	0.52
12/24/2015	0.62
12/27/2015	0.15
12/30/2015	0.15
1/3/2016	0.3
1/4/2016	0.71
1/5/2016	0.57
1/6/2016	1.49
1/8/2016	0.16
1/9/2016	0.11
1/12/2016	0.49
1/13/2016	0.6
1/14/2016	0.75
1/15/2016	0.39
1/16/2016	0.41
1/17/2016	1.78
1/19/2016	0.66
1/21/2016	0.13
1/22/2016	0.56
1/23/2016	0.37

Date	Precipitation (Inches)
1/24/2016	0.26
1/25/2016	0.18
1/28/2016	0.3
1/29/2016	0.51
2/3/2016	0.23
2/17/2016	0.45
2/18/2016	0.86
2/19/2016	0.57
3/2/2016	0.23
3/5/2016	2.63
3/6/2016	0.44
3/7/2016	0.14
3/8/2016	0.13
3/9/2016	0.2
3/10/2016	1.67
3/11/2016	0.57
3/12/2016	0.7
3/13/2016	1.05
3/20/2016	0.32
3/21/2016	0.57
4/13/2016	0.25
4/22/2016	0.64
4/27/2016	0.25
5/21/2016	0.34
6/18/2016	0.11
10/3/2016	0.23